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SENATE BILL 411

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

LEONARD LEE RAWSON

AN ACT

RELATING TO RETIREMENT BENEFITS; AMENDING SECTION 10-11-118 NMSA 1978 (BEING LAWS 1987, CHAPTER 253, SECTION 118, AS AMENDED) TO PROVIDE FOR THE PAYMENT OF COST OF LIVING INCREASES TO CERTAIN FORMER SPOUSES OF RETIRED MEMBERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-11-118 NMSA 1978 (being Laws 1987, Chapter 253, Section 118, as amended) is amended to read:

"10-11-118. COST OF LIVING ADJUSTMENTS. --

A. For the purposes of this section:

(1) "preceding calendar year" means the twelve-month period ending on [the] December 31 preceding the July 1 in which pensions are being adjusted; and

(2) "second preceding calendar year" means the full calendar year prior to the preceding calendar year.

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1           B. The amount of pension payable to a qualified  
2 pension recipient shall be increased three percent each July 1.  
3 The amount of the increase shall be determined by multiplying  
4 the amount of pension inclusive of all prior adjustments by  
5 three percent.

6           C. A qualified pension recipient is:

7           (1) a normal retired member who has been  
8 retired for at least two full calendar years from the effective  
9 date of the latest retirement prior to July 1 of the year in  
10 which the pension is being adjusted;

11           (2) a normal retired member who has attained  
12 age sixty-five years and been retired for at least one full  
13 calendar year from the effective date of the latest retirement  
14 prior to July 1 of the year in which the pension is being  
15 adjusted;

16           (3) a disability retired member who has been  
17 retired for at least one full calendar year from the effective  
18 date of the latest retirement prior to July 1 of the year in  
19 which the pension is being adjusted;

20           (4) a survivor beneficiary who has received a  
21 survivor pension for at least two full calendar years; [ø]

22           (5) a survivor beneficiary of a deceased  
23 retired member who otherwise would have been retired at least  
24 two full calendar years from the effective date of the latest  
25 retirement prior to July 1 of the year in which the pension is

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1 being adjusted; or  
2 (6) a former spouse of a retired member who has  
3 received a part of the retired member's pension as the result of  
4 a court decree entered in a proceeding for divorce, legal  
5 separation or division of property if the former spouse has  
6 received the part of the pension for at least two full calendar  
7 years from the effective date of the latest retirement of the  
8 retired member prior to July 1 of the year in which the former  
9 spouse's payment is being adjusted.

10 D. A qualified pension recipient may decline an  
11 increase in a pension by giving the association written notice  
12 of the decision to decline the increase at least thirty days  
13 prior to the date the increase would take effect. "

14 Section 2. EFFECTIVE DATE. -- The effective date of the  
15 provisions of this act is July 1, 1997.

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